

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:05-cr-122-T
)	
MATTHEW LEO KELLEY,)	
)	
Defendant.)	

MOTION TO SET BAIL HEARING

COMES NOW, the defendant, by and through the undersigned, Richard K. Keith, and moves this Honorable Court to set a Bail hearing. As grounds in support thereof, the following is stated:

1. The defendant and Co-Defendant Cantaline, are both charged with possessing with intent to distribute 153.7 grams of a mixture and substance containing methamphetamine, and 23.2 grams of marijuana, in violation of Title 21 U.S.C. § 841(a)(1).

2. The defendant, at his July 13, 2005 Arraignment, was ineligible for a Bail hearing due to the fact that he was in federal custody on a Writ while still facing State charges in Covington County, Alabama.

3. The defendant's State charges were dismissed on July 15, 2005.

4. The defendant is thirty-six (36) years old and has no apparent record of any criminal history.

5. The defendant had been incarcerated for the past thirteen (13) months in Covington County, Alabama on the same basic charges.

6. The defendant has certain medical conditions (hepatitis and pancreatitis) that require medical attention that he is not receiving in the Montgomery County Jail.

7. The defendant also has certain prescribed “mental health” medications that he is not at present receiving.

8. The defendant has his own personal physicians who have been treating the defendant in the past prior to his incarceration.

WHEREFORE, premises considered, the defendant moves that a Bail hearing be set at the Court’s earliest convenience.

Respectfully submitted this 25th day of July, 2005.

s/ Richard K. Keith
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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kent B. Brunson, AUSA
Post Office Box 197
Montgomery, AL 36101-0197

s/ Richard K. Keith
OF COUNSEL